

2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 07 Civ. 2914 (CLB) (MDF)

5 JOHN CARELLO,

6 Plaintiff,

7 - against -

8
9 THE CITY OF NEW ROCHELLE, THE NEW
ROCHELLE POLICE DEPARTMENT, P.O. GEORGE
10 ROSENBERGEN, AND P.O. JOHN/JANE DOES,
11 Defendants.

12
13 October 18, 2007

14 10:25 a.m.

15 DEPOSITION of Plaintiff, JOHN CARELLO,
16 taken by Defendants, pursuant to Order,
17 held at the offices of Wilson, Elser,
18 Moskowitz, Edelman & Dicker, LLP, 3
19 Gannett Drive, White Plains, New York,
20 before Reva Weiss, a Notary Public of the
21 State of New York.

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2 A P P E A R A N C E S :

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4 MCKENNA MCGOWAN LLP

5 11 Church Street

6 White Plains, New York 10601

7 Attorneys for Plaintiff

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9 BY: MATTHEW MCGOWAN, ESQ.

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11 WILSON, ELSER, MOSKOWITZ,

12 EDELMAN & DICKER, LLP

13 3 Gannett Drive

14 White Plains, New York 10604

15 Attorneys for Defendants

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17 BY: LALIT K. LOOMBIA, ESQ.

18
19 ALSO PRESTEN:

20
21 GEORGE ROSENBERGEN

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2 S T I P U L A T I O N S

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4 IT IS HEREBY STIPULATED AND AGREED,
5 by and among counsel for the respective
6 parties hereto, that the filing, sealing
7 and certification of the within
8 deposition shall be and the same are
hereby waived;

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10 IT IS FURTHER STIPULATED AND
11 AGREED that all objections, except as to
12 form of the question, shall be reserved
to the time of the trial;

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14 IT IS FURTHER STIPULATED AND
15 AGREED that the within deposition may be
16 signed before any Notary Public with the
17 same force and effect as if signed and
sworn to before the Court.

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J O H N C A R E L L O,
having first been duly sworn by Reva
Weiss, a Notary Public within and for the
State of New York, testified as follows:

EXAMINATION BY

MR. LOOMBAS:

Q What is your name?

A John Carello.

Q Where do you reside?

A 39 High Street, Armonk, New
10504.

Q Good morning, Mr. Carello. My name Lalit Loomba. I'm an attorney representing the defendants in this case. We are here to take your deposition concerning the underlying incident of January 11, 2006.

Have you been in a deposition
before?

A Yes.

Q So you understand that you have been placed under oath?

A Yes.

Q And that you are obligated by

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CARELLO

A I drove away.

Q Where did you go?

A I went to the New Rochelle
ce Department.

Q That would be just down the road on the left-hand side?

A That's correct.

Q Did you go there directly?

A Yes.

Q Did you make any calls on your way over, telephone calls?

A I don't recall.

o Where did you park?

A I parked on North Avenue

Q And did you go inside the
headquarters?

A Yes

9. What did you do?

A I went to the front desk and spoke to the person that was working there that I would like to make a complaint.

Q Was that person an officer or a civilian service officer?

GARELLI

Q So your weight was supported by
your feet --

A Yes.

Q -- and your legs?

A Yes.

Q Is that right?

A Uh-huh.

Q Say "yes."

A I said "yes".

Q You said "uh-huh." She can't take that one down.

So you are standing up. Is
Sergeant Rosenbergen still touching you
at that point?

A Yes.

Q Can you describe how he's
touching you?

A All I know is he grabs me at
the back of my neck, from the front to
the back, and pulls me out of the room by
my neck and my jacket.

Q Did you have anything on the table before this happened, by the way?

A I --

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CARELLO

Q For example, your wallet, car keys.

A I had items with me, because I had to go back and get them.

Q So when you went in the room the second time, you are saying, you put items on the table?

A I don't recall if they were on a table or a chair in there, but I had items with me in the room.

Q And you had removed them from
your pockets?

A They were never in my pocket.

Q You carried them in there with
your hand?

A Yes.

Q And then you placed them down?

A Yes.

Q Now, he moved you outside the room, is that is that your testimony?

A Yes.

Q This is outside of the interview room?

A Outside of the interview room.

1 CARELLO

2 Q And you are now in that small
3 lobby area. What happened there?

4 A He made a comment, I'm done
5 with you or get out of here or something
6 along those lines.

7 Q And did you respond?

8 A Yes.

9 Q What did you say?

10 A I said can I at least have my
11 items that I have in the room.

12 Q And what did he say?

13 A He said yes.

14 Q Then what happened?

15 A I retrieved them. I don't know
16 if I went back in the room and got them
17 or if they brought it out. I don't
18 recall a hundred percent.

19 Q What happened next?

20 A I walked out of the building.

21 Q When you got out of the
22 interview room, was there anybody else
23 there that might have seen --

24 A There were --

25 MR. McGOWAN: In the small

1 CARELLO

2 Exhibit D, please.

3 (Pause.)

4 A Okay.

5 Q Have you seen this document
6 before?

7 A I don't recall it.

8 Q In connection with the tickets
9 that you received on January 11, 2006,
10 did you plead guilty?

11 A I plea bargained.

12 Q When did that happen?

13 A I don't know if this is the
14 date on here or not. I can't recall the
15 date.

16 Q Were you represented by an
17 attorney when you did that?

18 A No.

19 Q This indicates there was plea
20 on July 21, 2006. Is that consistent
21 with your recollection of when you pled
22 guilty?

23 MR. McGOWAN: When he reached a
24 plea.

25 A It looks accurate.

CARELLO

Q And it says on this document that you pled guilty to the speeding ticket. Is that right?

A I believe I pleaded guilty to the speeding ticket and it lists other tickets.

MR. McGOWAN: What's the date on that? July 21?

MR. LOOMBÀ: 2006.

MR. McGOWAN: Thank you.

Q Now, besides the \$18,000 that's the treatment cost at Harbour Pointe, are there any other expenses that you claim as damages in this case?

MR. McGOWAN: Just so you know what counsel means, he means out-of-pocket expenses.

Is that correct?

MR. LOOMBA: That's right.

MR. McGOWAN: Money that came out of your pocket.

A I'm sure that there are, but
how much. I don't recall.

Q Are you claiming any attorney's

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2 C E R T I F I C A T I O N
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6 I, Reva Weiss, a Notary Public within
7 and for the state of New York, do hereby
8 certify that the foregoing witness,
9 JOHN CARELLO, was duly sworn on the date
10 indicated, and that the foregoing is a
11 true and accurate transcription of my
12 stenographic notes.

13 I further certify that I am not
14 employed by nor related to any party to
15 this action.

20
21 Reva Weiss

22 REVA WEISS
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